

SUMMARY REPORT DIGEST-  
COMPLAINT REGISTER INVESTIGATION NO.:  
CHICAGO POLICE DEPARTMENT

305076

DATE OF REPORT (DAY-MO-YEAR)  
18 October 2005

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.  
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE  
ATTENTION  ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS  
 ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME FRANKO, Linda		RANK Inv	STAR NO. 217	SOCIAL SEC. NO. XXX-XX-XXXX	EMPLOYEE NO. 2 - Uniq...	UNIT ASSIGN. 113	
ADDRESS OF INCIDENT 512... W. Huron		DATE OF INCIDENT - TIME 22 Apr 2005 at 1612 hrs.		BEAT OF INCIDENT 1531		LOCATION CODE 017	
ACCUSED	NAME 1. McDONALD, Susan	RANK Sgt.	STAR NO. 1895	SOCIAL SEC. NO. XXX-XX-XXXX	EMPLOYEE NO. 1 - Pers...	UNIT ASSIGN. 015	
	2. TORRES, Noel	PO	3367	XXX-XX-XXXX	2 - U...	015	
	SEX/RACE 1. F / W	D.O.B. Feb 61	DATE OF APPOINTMENT 29 Nov 82	DUTY STATUS (TIME OF INCIDENT) <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	PHYS. COND. CODE
	2. M/H	Jan 71	24 Sep 01	<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input type="checkbox"/> SWORN <input checked="" type="checkbox"/> CIVILIAN	
CHARGES		COURT BRANCH		DISPOSITION & DATE			
1							
2							
COMPLAINANTS	NAME 1 - Personal info	ADDRESS** 1 - Personal info	CITY STATE Chicago, IL	TELEPHONE 1 - Personal info	SEX/RACE F / B	D.O.B./AGE 1 - Feb 64	PHYS. COND. CODE
VICTIMS	NAME 1 - Personal info	ADDRESS** 1 - Personal info	CITY STATE Chicago, IL	TELEPHONE 1 - Personal info	SEX/RACE M / B	D.O.B./AGE 1 - May 84	PHYS. COND. CODE
WITNESSES	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE

SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS	On 23 April 2005, at 2010 hours, the complainant <input type="checkbox"/> 1 - Personal info who did not witness the incident, telephoned the Office Professional Standards on behalf of the victim, <input type="checkbox"/> 1 - Pers 1 - Personal ..., and registered a complaint with Investigator Daniel Ko #287, Unit 113. It is alleged by <input type="checkbox"/> 1 - Pers 1 - Personal ..., that on 22 April 2005, at approximately 1612 hours, in the vicinity of <input type="checkbox"/> 1 - Pers 1 - Personal ..., Sgt. Susan McDonald #1895, Unit 015: 1) tasered him without justification. It is also alleged that during the same incident, Officer Noel Torres #3367, Unit 015: 1) struck him on his head with a police radio. It is also alleged that during the same incident Officer Carlos Huerta, #19394 Unit 015: 1) punched him on his face and head several times. further alleged that during the same incident, an Unidentified Officer: 1) placed his knee on his neck.						

I.A.D. LOCATION CODES\*

01 Food Sales/Restaurant  
02 Tavern/Liquor Store  
03 Other Business Establishment  
04 Police Building  
05 Lockup Facility  
06 Police Maintenance Facility  
07 CPD Automobile Pound Facility  
08 Other Police Property  
09 Police Communications System  
10 Court Room

11 Public Transportation Veh./Facility  
12 Park District Property  
13 Airport  
14 Public Property - Other  
15 Other Private Premise  
16 Expressway/Interstate System  
17 Public Way - Other  
18 Waterway, Incl. Park District  
19 Private Residence

I.A.D. PHYSICAL CONDITION CODES

01 No Visible Injury - Apparently Normal  
02 No Visible Injury - Under Influence  
03 Injured, Not Hospitalized  
04 Injured, Not Hospitalized - Under Influence  
05 Injured, Hospitalized  
06 Injured, Hospitalized - Under Influence  
07 Injured, Refused Medical Aid  
08 Injured, Refused Medical Aid - Under Influence  
09 Deceased  
10 Deceased - Under Influence

\*\* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

C.R. NO. 305076

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do support the allegation(s).  
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History w be included as attachments.

The following investigative steps were taken to prove or disprove the allegations:

Obtained an in-person interview with [REDACTED] 1 - Pers 1 - Personal ..., whose birth name is [REDACTED] 1 - Personal info but uses [REDACTED] 1 - Personal... [REDACTED] 1 - Pers related the same allegations as stated in the "Allegations section" of this report. [REDACTED] 1 - Personal... added while he was being was being arrested he began to push the officers off of him because he did not want to go to jail. [REDACTED] 1 - Personal... stated that he was in the head with a police radio. He passed out during the altercation and when he came to, he was tasered by a white fer wearing a white shirt. [REDACTED] 1 - Personal... further states that [REDACTED] 1 - Personal... and [REDACTED] 1 - Pe... ional Info were not on the scene when he was arrested but across the street. [REDACTED] 1 - Personal... suffered from a headache and numbness to the right side of his body. He was taken to 0' District, then to Loretto Hospital. (Att. #33).

Attempts to contact witnesses [REDACTED] 1 - Pe... and [REDACTED] 1 - Personal ... Identifiers, were unsuccessful. The witnesses were uncooperative. (Att. #42,43).

A Canvass of the area produced no witnesses. (Att. #26).

The Ambulance report indicated that ambulance #10 treated [REDACTED] 1 - Personal... (Att. #37,38).

Medical records of [REDACTED] 1 - Pers 1 - Personal ... from Loretto Hospital, indicate that [REDACTED] 1 - Personal... arrived in police custody and complain of body numbness, and severe muscle pain due to being tasered. The reports state [REDACTED] 1 - Personal... was given a head and ches exam with both appearing normal. [REDACTED] 1 - Personal... did not inform the hospital personnel of having been struck on the head with police radio or any other object. [REDACTED] 1 - Personal... was treated and released. (Att. #44).

See page 2

INVESTIGATIVE REPORTS-SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS:	INVESTIGATIVE REPORTS-SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS:	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
33	3,13,[REDACTED]20,	28-28M, 40-40C, 44	67

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspen for .... days (not to exceed 5 days).

**FINDINGS:**

Accused #1: Sgt. Susan McDonald #1895  
Allegation 1: UNFOUNDED  
Accused #2: P.O. Noel Torres #3367  
Allegation 1: UNFOUNDED  
Accused #3: P.O. Carlos Huertas #19394  
Allegation 1: EXONERATED  
Accused #4: Unidentified Officer  
Allegation 1: NOT SUSTAINED

Approved

2 - Unique identifiers

O.P.S. Supervisor Maria Elena Olvera #124

DATE INITIATED (DATE COMPLAINT WAS RECEIVED FOR INVESTIGATION)	DATE COMPLETED (DATE OF THIS REPORT)	ELAPSED TIME (TOTAL TIME, EXPRESSED IN DAYS)
23 April 2005	18 October 2005	178 Days

Investigator will initiate the Command Channel Review for completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

2 - Unique identifiers

IF NECESSARY, USE AN 8 1/2 X 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM

**ADDITIONAL ACCUSED (continued):**

3) **HUERTA, Carlos**, PO, Star # 19394, Employee # *2 - Unique ...*, Unit 015, M / H, DOB: *1 ...*  
Sep 74, DOA: 27 Jul 98, On Duty, Sworn, 01.

4) **Unidentified Officer**

**INVESTIGATION (continued):**

A printout of the OEC revealed that a 10-1 was issued for the location of 511... W. Huron, with Beat's #2-Un..., 1568 and 510, responding to the scene. EMS was requested because an offender had been tasered. The OEC also revealed that Officer Huerta was taken to a Hospital and that Evidence Technician would be requested. (Att. #21-23).

Evidence photographs taken of [1 - Personal ...]'s face depict no obvious signs of injury. (Att. #40-40C).

Evidence photographs taken of Officers Huerta and Torres depict Huerta with some redness and swelling to the left side of his face. Also Huerta's right hand has several cuts, including to his fingernail on his right index finger. Officer Torres is shown with a thin, horizontal cut over his right eyebrow. (Att. #28-28M).

Department reports indicate that when Officers Huerta and Torres approached [1 - Personal ...], [1 - Personal ...] placed unknown objects into his mouth while standing near the entrance of 511... W. Huron. When Officer Huerta attempted to recover the objects, [1 - Personal ...] shoved Officer Huerta against the side of the front door. As Officers Huerta and Torres attempted to place [1 - Personal ...] into custody, he resisted by swinging closed fists in an attempt to defeat the arrest. [1 - Personal ...] struck Officer Huerta on the face and also struck Officer Torres on the face. [1 - Personal ...] continued attacking the officers while they attempted emergency handcuffing techniques to control him. [1 - Personal ...] was placed into custody after being tased by Sgt. McDonald. [1 - Personal ...] was charged with possession of less than 15grams of cocaine, and two (2) charges of aggravated battery against an officer.

The reports indicate that [1 - Personal ...] and [1 - Personal Info] were also taken into custody with [1 - Personal ...] and charged with obstructing an officer. The supplemental report states [1 - Personal Info] attempted to pull [1 - Personal ...] away from the Officers in an attempt to defeat arrest. The TRR's indicate as does the Taser report that [1 - Personal ...] was tased when resisting arrest. Officer Torres and Huerta stated in their TRR's that they utilized closed fist, elbow, and knee strikes on [1 - Personal ...] to effect the arrest. (Att. #3,13,14,15,16,1...20).

In a report submitted by P.O. Carlos Huerta #19394 he denied the allegation made against him. He stated that he used reasonable force to affect arrest, which included hand strikes/punch. He also stated that [1 - Personal ...] punched him on his face. (Att. #59).

In a Report submitted by P.O. Noel Torres #3367 he denied the allegation made against him. (Att. #65).

Report submitted from Sgt. Susan McDonald #1895, stated that she responded to a 10-1 occurring at 511... W. Huron. Upon arriving at the scene, she observed [1 - Personal ...] on the ground and Officers Huerta and Torres trying to place him into custody. [1 - Personal ...] was observed attempting to flee by pulling his arms, swinging them around and kicking at the officers. After several verbal warnings to comply but adding that if he did not comply he would be tasered, [1 - Personal ...] again refused to comply. After being tased, Officers Huerta and Torres were then able to handcuff [1 - Personal ...]. Sgt. McDonald further stated that she observed fresh cuts to P.O. Huerta. Sgt. McDonald stated that she did not have any other physical contact with [1 - Personal ...], and she was fully justified in using the taser on [1 - Personal ...] as he was classified as both an Active Resister and an Assailant. (Att. #62).

**Conclusion:**

The reporting investigator recommends a finding of **UNFOUNDED** for allegation #1 against Sgt. Susan McDonald #1895. Contrary to [1 - Personal ...]'s allegations that the taser use was unjustified, [1 - Personal ...] was clearly actively resisting arrest. Sgt. McDonald, as well as Officer Torres and Huerta documented [1 - Personal ...] as an assailant. Sgt. McDonald acted within the Use of Force guidelines.

**Conclusion:**

The reporting investigator recommends a finding of **UNFOUNDED** for allegation #1 against P.O. **Noel Torres #3367**. Medical records indicated [1 - Personal ...] made no complaints of being struck on the head with a radio or blunt object. Officer Torres denied the allegation. (Att. #65).

The reporting investigator recommends a finding of **EXONERATED** for allegation #1 against P.O. **Carlos Huertas #19394**. P.O. Huertas admits using force on [1 - Personal ...], including punches, kicks and knees. Department reports along with the arresting officers state that [1 - Personal ...] was actively resisting arrest and an assailant. P.O. Huertas acted within the Use of Force guidelines.

The reporting investigator recommends a finding of **NOT SUSTAINED** regarding allegation #1 against an **Unidentified Officer**. There is insufficient evidence to support or disprove the allegation. There are no witnesses to corroborate this allegation.